

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED	FEB 02 2006
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

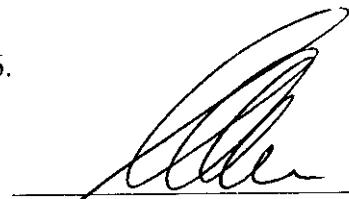
PAUL D. RHODES,) Civil Action No. 7:05-CV-00578
Plaintiff,)
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v.)
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P. SCARBERRY,) By: Samuel G. Wilson
Defendants.) United States District Judge

Paul D. Rhodes brings this suit pursuant to 42 U.S.C. § 1983, claiming that the defendant has served him inadequate meals on unsanitary trays. The defendant filed a motion for summary judgment, and the court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. 636(b)(1)(B) for a report and recommendation. The Magistrate Judge filed a report and recommendation, finding Rhodes had failed to state a claim for which the court may grant relief and recommending dismissal. The Magistrate Judge also found Rhodes' claims to be frivolous and recommended that the court assess a strike against Rhodes pursuant to 28 U.S.C. 1915(g). Rhodes filed timely objections.

The court has reviewed the Magistrate Judge's report, pertinent portions of the record, and Rhodes' objections, which are little more than a restatement of the allegations in his complaint and subsequent pleadings. It is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's report be **ADOPTED** in its entirety, that the defendants motion to dismiss be **GRANTED**, that Rhodes' suit be **DISMISSED** and **STRICKEN** from the active docket of the court, and that Rhodes be assessed a **STRIKE** pursuant to 28 U.S.C. 1915(g).

The Clerk of the Court is directed to send certified copies of this order to the plaintiff and to counsel for the defendants.

ENTER: This 2nd day of February, 2006.



UNITED STATES DISTRICT JUDGE